IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16181 of 2004

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Between:

1 D.Palani S/o. D.Ramaiah, R/o. Mangalam Village

Tirupathi urban Mandal, Chittoor District.
2 E.Krishnamurthy S/o. Seetharamulu R/o. Mangalam

Village Tirupathi urban Mandal, Chittoor District.
3 Smt.N.Chitemma W/o. Nadhamuni, R/o. Mangalam

Village Tirupathi urban Mandal, Chittoor District.
4 N.Hemavathi W/o. Arun, R/o. Mangalam Village

Tirupathi urban Mandal, Chittoor District.
5 N.Neeraja W/o.Vishnumurthy, R/o. Mangalam Village

Tirupathi urban Mandal, Chittoor District.
6 P.Padmavathi W/o.Gopi, R/o. Mangalam Village

Tirupathi urban Mandal, Chittoor District.
7 K.Shobarani W/o.Srihari, R/o. Mangalam Village

Tirupathi urban Mandal, Chittoor District.
8 P.Laxmi W/o. Venkataramana, R/o. Mangalam Village

Tirupathi urban Mandal, Chittoor District.
9 M.Sujatha W/o.Gopalakrishna, R/o. Mangalam Village

Tirupathi urban Mandal, Chittoor District.
10 N.Malli W/o.Ramaiah, R/o. Mangalam Village Tirupathi

urban Mandal, Chittoor District.
11 G.Kumari W/o.Chinnaswamy, R/o. Mangalam Village

Tirupathi urban Mandal, Chittoor District.
12 N.Chinakka W/o.Ramamurthy, R/o. Mangalam Village

Tirupathi urban Mandal, Chittoor District.
13 S.Padma W/o. Sankaraiah, R/o. Mangalam Village

Tirupathi urban Mandal, Chittoor District.
14 C.Baghyavathi W/o.Dhamodaram, R/o. Mangalam

Village Tirupathi urban Mandal, Chittoor District.
15 K.Kalavathi W/o.K.Muragaiah, R/o. Mangalam Village

Tirupathi urban Mandal, Chittoor District.
16 K.Ammulu W/o. Mathaiah, R/o. Mangalam Village

Tirupathi urban Mandal, Chittoor District.
17 N.Kiran S/o.Nadhamuni, R/o. Mangalam Village

Tirupathi urban Mandal, Chittoor District.

..... PETITIONERS

AND

1 The District Collector Chittoor.
2 Tirupathi Urban Development Authority Tirupathi,

Chittoor District. rep. by its Vice Chairman and

Managing Director.
3 The Mandal Revenue Officer Tirupathi Urban Mandal,

Tirupathi, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents, in interfering with the petitioners peaceful possession of Plot No.2 to 18, an extent of AC.0.03 cents each situated in Mangalam Layout in Sy.No.226 of Mangalam Village, Tirupathi Urban Mandal, Chittoor District which was assigned to the petitioners under Board Standing Order 21, as illegal arbitrary and violative of Article 21 and 300 -A of the Constitution of India and consequently direct the respondents to restrain from interfering with the possession of the house sites assigned to the petitioners.

Counsel for the Petitioners: MR.E.VENKATA REDDY

Counsel for Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue. Both the counsel have no objection to dispose of the writ petition in terms of the order passed by this court in W.P.No.10600 of 2004 dated 28-6-2004.

Petitioners claim to be in possession of Plot Nos.2 to 18 in an extent of Acs.0.03 cents each, in S.No.226 of Mangalam Village, Tirupathi Urban Mandal, Chittoor District. At the request of the petitioners the third respondent issued pattas to them on 21-12-1991 in terms of Board Standing Order 21. Since then the petitioners are in possession and enjoyment of the land. When the respondents interfered with the petitioners' possession, they moved this court by way of filing the present writ petition to declare the action of the respondents in interfering with their possession,

in spite of subsistence of assignment, on the ground that the land in which the house sites are situated is required for the use of the second respondent and orally informed that the said land is required for public purpose and the persons who are in occupation have to vacate the same, as illegal and arbitrary.

Having regard to the facts and circumstances of the case, the Writ Petition is disposed of at the admission stage directing the respondents not to dispossess the petitioners from the suit schedule property without following the due procedure prescribed by law and as long as the pattas granted in their favour the petitioenrs' have not been cancelled.

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A. Gopal Reddy, J.

10th September, 2004.

Js.

To

1 The District Collector Chittoor.
2 The Vice Chairman and Managing Director, Tirupathi

Urban Development Authority Tirupathi, Chittoor

District.
3 The Mandal Revenue Officer Tirupathi Urban Mandal,

Tirupathi, Chittoor District.

4 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

5 2 CD copies.